

UNITED STATES COURT OF APPEALS April 6, 2012

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

In re:

JAMES F. BANKS,  
  
Petitioner.


No. 12-3076  
(D.C. No. 5:09-CV-03086-RDR)  
(D. Kan.)

**ORDER**

Before **GORSUCH, EBEL**, and **MATHESON**, Circuit Judges.

On March 30, 2012, this court invited the district court to respond to James F. Banks's petition for a writ of mandamus, in which he requested that this court order the district court to hear and decide his 28 U.S.C. § 2241 habeas petition. On April 3, 2012, the court received a response from the district court stating that it had set a briefing schedule and that it "fully intends to decide this matter as expeditiously as possible once these supplemented pleadings have been filed." Resp. at 1. Because the district court is proceeding with the matter, there is no further need for this court to consider extraordinary relief at this time. The mandamus petition is DENIED without prejudice to refiling.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk